

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

- I) Claims 1-3, 10 and 13, drawn to a magnesium silicate/magnesium titanate composition, classified in class 501, subclass 136.
- II) Claims 4-6, 11 and 14, drawn to a magnesium titanate/calcium titanate composition, classified in class 501, subclass 136.
- III) Claims 7-9, 12 and 15, drawn to a magnesium titanate/magnesium silicate/calcium titanate composition, classified in class 501, subclass 136.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group III, claims 7-9, 12 and 15, with traverse.

TRAVERSE

Notwithstanding the election of the claims of Group III in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Initially, Applicants point out that the requirement for restriction omits one of the two criteria of a proper requirement as now established by U.S. Patent and Trademark Office policy, as set forth in MPEP 803, that "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if a restriction were not required. Due to the aforementioned omission, it is respectfully submitted that the requirement for restriction is improper and, consequently, its withdrawal is respectfully requested.

Related to this, the requirement is traversed since there would not appear to be a serious burden to examine Applicants' application in total, and for which they have paid the

appropriate claim fees. Applicants submit that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the above-identified application, should be made in order to do a complete and thorough search in view of the recognized relationship between the claims in Groups I, II and III.

More specifically, Applicants note that each of the Groups of claims has been indicated to be classified in the same Class and Subclass, i.e., Class 501, Subclass 136. Therefore, it should be no undue burden on the Examiner to examine each of the groups of invention when the same subject matter is required to be searched.

In view of the foregoing, it is respectfully requested that the Examiner seriously reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

CONCLUSION

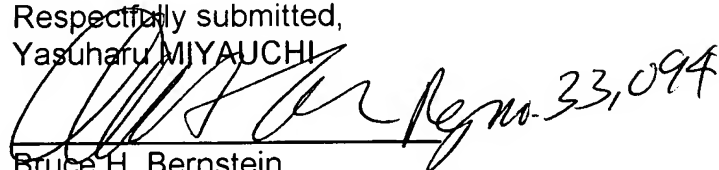
For the reasons discussed above, it is respectfully submitted that the Examiner's requirement for restriction is improper and should be withdrawn.

Withdrawal of the requirement for the restriction with the examination of all claims pending in this application is respectfully requested.

Favorable consideration with early allowance of the pending claims is most earnestly requested.

If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
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